

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED, AS FOLLOWS: AMENDING ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES, CREATING NEW CHAPTER G, LOXAHATCHEE GROVES MORATORIUM, IMPOSING A MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR REZONINGS WITHIN THE BOUNDARIES OF LOXAHATCHEE GROVES THROUGH DECEMBER 31, 2005. PROVIDING FOR THE TREATMENT OF PENDING APPLICATIONS AND REZONINGS REQUIRED TO IMPLEMENT COMPREHENSIVE PLAN AMENDMENTS ADOPTED IN AMENDMENT ROUND 2004-2; INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

**WHEREAS**, the legislature is currently considering a special act which would allow a referendum on the incorporation of Loxahatchee Groves; and

**WHEREAS**, a moratorium on rezonings in Loxahatchee Groves will encourage community deliberation regarding incorporation; and

**WHEREAS**, the moratorium on rezonings will prevent changes in the character of Loxahatchee Groves while the community is debating its future; and

**WHEREAS**, a moratorium for a limited duration of time for a valid public purpose is a valid exercise of the police power and does not result in a taking of private property.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:**

**PART 1. AMENDMENT TO THE UNIFIED LAND DEVELOPMENT CODE**

Article 2, Development Review Procedures (Page 51 of 51), is hereby amended by adding Chapter G, Loxahatchee Groves Moratorium, as follows:

**Section 1. Moratorium**

**A.** That the Board of County Commissioners of Palm Beach County does hereby impose a moratorium beginning on the effective date of this ordinance, upon the acceptance of applications for rezonings in Loxahatchee Groves. The boundaries of the area subject to the moratorium are the boundaries of the proposed Town of Loxahatchee Groves and are incorporated into this ordinance as indicated in Exhibit 1.

**B.** That this ordinance shall not apply to any complete application for rezoning submitted to county staff with payment of appropriate filing fees prior to the effective date of this ordinance, pursuant to Section of the ULDC of Palm Beach County, or the items indicated below in Subpart C.

**C.** This ordinance specifically excludes and shall not affect: rezonings implementing comprehensive plan amendments adopted by the Board of County Commissioners in Amendment Round 2004-2.

**D.** This ordinance shall expire on December 31, 2005 at 11:59 p.m.

**PART 2. CAPTIONS:**

The captions, section headings, and section designations used in this ordinance are intended for the convenience of users only and shall have no effect in the interpretation of the provisions of this ordinance.

1 **PART 3. REPEAL OF LAWS IN CONFLICT:**

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3 All local laws and ordinances applying to the unincorporated area of Palm Beach  
4 County in conflict with any provision of this ordinance are hereby repealed to the extent  
5 of any conflict.  
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7 **PART 4. SEVERABILITY:**

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9 If any section, paragraph, sentence, clause, phrase, or word of this ordinance is for any  
10 reason held by the Court to be unconstitutional, inoperative or void, such holding shall  
11 not affect the remainder of this ordinance.  
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13 **PART 5. INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE:**

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15 The provision of this ordinance shall become and be made a part of the Unified Land  
16 Development Code of Palm Beach County, Florida. The Sections of the ordinance may  
17 be renumbered or relettered to accomplish such, and the word "ordinance" may be  
18 changed to "section," "article," or any other appropriate word. References to the  
19 effective date of the moratorium created by this ordinance may be changed to the actual  
20 calendar date established upon filing with the Department of State.  
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22 **PART 6. EFFECTIVE DATE:**

23  
24 The provisions of this ordinance shall become effective upon filing with the Department  
25 of State.  
26



27 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm

28 Beach County, Florida, on this 24 day of February, 2005.

SHARON R. BOCK, CLERK &  
COMPTROLLER

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

By:

  
Deputy Clerk  


By:

  
Tony Masiotti, Chairman

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By:

  
County Attorney

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32 EFFECTIVE DATE: Filed with the Department of State on the 3<sup>rd</sup> day of

33 March, 2005.  
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That portion of Loxahatchee Sub-Drainage District, Township 43 South, Range 41 East and Range 40 East, Palm Beach County, Florida, being more particularly described as follows:

**Beginning** at the Northwest corner of Section Eighteen (18) in Township Forty-three (43) South, Range Forty-one (41) East, Palm Beach County, Florida, and run thence along the North line of Section Eighteen (18) and Seventeen (17) of said Township to the Northeast corner of Section Seventeen (17) in said Township and Range; **Thence** run South along the Eastern boundary of Section Seventeen (17) to the Southeast corner of said Section; **Thence** run East along the Northern boundary of Section Twenty-one (21) and of Section Twenty-two (22) to the Northeast corner of the Northwest quarter of the said Section Twenty-two (22); **Thence** run South along the East line of the Northwest quarter of said Section Twenty-two (22) to the Southeast corner of said Northwest quarter of said Section; **Thence** run West along the South line of the Southeast quarter of Northwest quarter of said Section Twenty-two (22) to the Southwest corner of said Southeast quarter of Northwest quarter of said Section; **Thence** run South along the East line of the West half of the Southwest quarter of Section Twenty-two (22) and of the West half of West half of Section Twenty-seven (27) and of the West half of West half of Section Thirty-four (34) to the North Right of Way line of State Road 80, in Section Thirty-four (34); **Thence** West along the Northern edge of the North Right of Way line of State Road 80, across the West half of West half of Section Thirty-four (34) and across Section Thirty-three (33), Thirty-two (32), and Thirty-one (31) in said Township to the point where the range line dividing ranges Forty (40) and Forty-one (41) East intersects said North Right of Way line of State Road 80; **Thence** North along the West line of Sections Thirty-one (31), Thirty (30), Nineteen (19) and Eighteen (18) to the

Point of Beginning, embracing approximately Six Thousand Nine Hundred  
Thirty five and 56/100 (6,935.56) acres.

Said lands lying within the above described boundary lines are described more  
particularly as follow, to wit:

All of Section Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), and  
Twenty-one (21) and the Northwest quarter and West half of Southwest quarter  
of Section Twenty-two (22); and West half of West half of Section Twenty-seven  
(27); and all Section Twenty-eight (28), Twenty-nine (29) and Thirty (30) and all  
of Section Thirty-one (31) North of North Right of Way line of State Road 80; and  
all of Section Thirty-three (32) North of North Right of Way line of State Road 80;  
and all of Section Thirty-three (33) North of North Right of Way line of State  
Road 80; and all of the West half of West half of Section Thirty-four (34) North of  
North Right of Way line of State Road 80; all in Township Forty-three (43) South  
Range Forty-one (41) East, all of said lands being situate in Palm Beach County,  
State of Florida, according to the United States official surveys of said lands.

**TOGETHER WITH**

The South ½ of Sections 7 and 8, T43S, R41E. The South ½ of the East ¼ of  
Section 12, The East ¼ of Sections 13, 24, 25, T43S, R40E, and that part of the  
East ¼ of Section 36, T43S, R40E, lying North of the North Right of Way of S.R.  
80, all in Palm Beach County, Florida, containing 1320 acres, more or less.

**LESS AND EXCEPT The All or Nothing Legislation Parcel as described in  
Senate Bill No. 2616, Laws of Florida, Chapter 99-425, formerly known as  
The Palms West Hospital property**



1 A parcel bounded by Southern Boulevard (S.R. 80) on the South, the Southern  
2 boundary of the drainage/road Right of Way known as collecting canal on the  
3 North, Folsom/Crestwood of the East, and the Western boundary of The All or  
4 Nothing Legislation Parcel as described in Senate Bill No. 2616, Laws of Florida,  
5 Chapter 99-425 on the west, said parcel being more particularly described as  
6 follows:

7  
8 A parcel of land located in the County of Palm Beach, State of Florida, to wit:

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10 The **point of beginning** being the intersection of the Easterly line of Lot 4, Block  
11 K, Loxahatchee District, according to the plat thereof on file in the Office of the  
12 Clerk of the Circuit Court recorded in Plat Book 7, Page 81, of the Public Records  
13 of Palm Beach County, Florida, and the Southerly boundary of the "Collecting  
14 Canal" as shown on the Replat of Loxahatchee Groves Subdivision according to  
15 the Plat thereof, recorded in Plat Book 12, Page 29, of the Public Records of  
16 Palm Beach County, Florida; **Thence** Easterly along said Southerly boundary of  
17 the "Collecting Canal" to the Easterly boundary of said Replat of Loxahatchee  
18 Groves; **Thence** South along said Easterly boundary line of the Replat of  
19 Loxahatchee Groves to the North Right of Way line of State Road 80; **Thence**  
20 Westerly along said Northerly Right of Way line of State Road 80 to the Easterly  
21 line of Lot 4, Block K, Loxahatchee District;

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23 **Thence** Northerly along said Easterly line of Lot 4 to the **Point of Beginning**.

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STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, SHARON R. BOCK, Clerk and Comptroller  
certify this to be a true and correct copy of the original  
filed in my office on February 24, 2005  
dated at West Palm Beach, FL on 3/29/05  
By: Wiane Brown  
Deputy Clerk